

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

MIGUEL MERAZ-MORENO

CRIMINAL COMPLAINT

Case Number:

12-MS-24-TNL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 27, 2011, in Hennepin County, in the State and District of Minnesota, defendant(s)

an alien who had previously been removed from the United States on or about September 7, 1995, subsequent to a conviction for an aggravated felony, namely: Possession for Sale - Cocaine, in the State of California, on or about February 7, 1994, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

January 24, 2012 at
Date
The Honorable Tony N. Leung
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Jennifer Skwira
Signature of Complainant
Jennifer Skwira
U.S. ICE

St. Paul, MN
City and State

Tony N. Leung
Signature of Judicial Officer

SCANNED

JAN 25 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF Jennifer Skwira

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about December 27, 2011, in Hennepin County, in the State and District of Minnesota, Miguel MERAZ-Moreno a/k/a Julian ARROYO-Sandoval (Defendant) unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that Defendant's removal was

subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On or about December 27, 2011, Defendant was encountered in Hennepin County, Minnesota and was arrested by the Bureau of Criminal Apprehension for charges related to drugs. The Defendant was booked into Hennepin County Adult Detention Center in Minneapolis, MN. Immigration Enforcement Agent (IEA) Scott Peterson spoke with Defendant on or about December 28, 2011 and determined that Defendant was an illegal alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally and an Immigration and Customs Enforcement (ICE) detainer was placed on Defendant.
6. On December 30, 2011, Defendant was released to ICE custody and transported to the Bloomington, Minnesota ICE office for processing. On December 30, 2011, the Defendant was advised of his Miranda Rights. The Defendant invoked his rights and did not give a statement.
7. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number 23 103 308, Federal Bureau of Investigations number 441038V11 and DHS Fingerprint

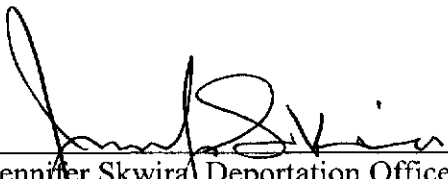
Identification number (FIN) 1127658246, revealing Defendant's previous removal and criminal history.

8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique alien registration file A23 103 308. The Defendant's alien registration file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on four (4) prior occasions prior to being found in the District of Minnesota in 2011.
9. On September 20, 1979, Subject was convicted in San Ysidro, CA for the offense of alien smuggling. Subject was sentenced to 45 days. On June 29, 1984, Subject was convicted in Superior Court of the State of California, County Tulare for the offense of Accessory to Felon. Subject was sentenced to 2 years. On September 5, 1985, Subject was convicted in California Justice Court, County of Selma, State of California for the offense of Poss/MFG/Sell Dangerous Weapon. Subject was sentenced to 12 days. On February 24, 1989, Subject was convicted in California Superior Court, County of Kern, State of California for the offense of Possession of a Controlled Substance to wit: Cocaine. Subject was sentenced to 1 year and 4 months. On November 2, 1989, Subject was convicted in California Superior Court, County Tulare, State of California for the offense of Child Stealing. Subject was sentenced to 2 years. Subject received an additional year for a previous accessory to felon conviction on 06/29/1984. On March 23, 1993, Subject was convicted in District Court of the Third Judicial District of the State of Idaho, County of Canyon for the

offense of Grand Theft and Conspire to Deliver Cocaine. Subject was sentenced to an aggregate term of 3-5 years for each count.

10. The above listed convictions of the Defendant have been classified by the FBI Criminal Justice Information System as FBI# 441038V11. Upon the arrest of the Defendant by ICE, he was searched and enrolled into the Integrated Automated Fingerprint Identification System (IAFIS). Results of the IAFIS search and enrollment revealed the identical FBI# 441038V11 related to the Defendant's criminal history and the Defendant's administrative immigration File #A23 103 308 thereby establishing a match of identity utilizing fingerprint records.
11. Defendant's immigration file indicates that he has been previously arrested and removed from the United States on four (4) occasions. On November 1, 1979, Defendant was removed from the last port of departure from the United States to Mexico at San Ysidro, CA. On May 10, 1985, Defendant was removed from the last port of departure from the United States to Mexico at Calexico, CA. On February 15, 1991, Defendant was removed from the last port of departure from the United States to Mexico at Nogales, AZ. On September, 7, 1995, Defendant was removed from the last port of departure from the United States to Mexico at Calexico, CA.
12. The Defendant is subject to removal as an alien that re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC1231(a)(5). The Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

13. Defendant is a citizen and national of Mexico with no claim to United States Citizenship or Lawful Permanent Resident status, nor does he have documents to enter, pass through, or remain in the United States.
14. My investigation confirms that since his removal from the United States on September 7, 1995, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
15. Based on these facts, Defendant is in violation of 8 U.S.C. Section 1326(a) & (b)(2), Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security following the conviction of an aggravated felony.
16. Further Your Affiant Sayeth Not.


Jennifer Skwira, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24 day of January, 2012.


United States Magistrate Judge